

AMENDMENT

First Named Inventor: Pablo R. Rodriguez
Application No.: 10/695,928
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Customer No.: 22971
Title: WIRELESS NETWORK ACCESS

Attorney Docket No.: 304931.01
Group Art Unit: 2442
Confirmation No.: 7025
Examiner: SURVILLO, OLEG

Commissioner for Patents
P.O. Box 1450
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AMENDMENT

In connection with the Request for Continued Examination ("RCE") filed herewith, and in response to the Final Office Action ("FOA") of notification date 12-18-2008 and the Advisor Action ("AA") 2-11-2009, please amend the above-identified application as follows:

Amendments to the Claims begin on page 2 of this amendment.

Remarks begin on page 9 of this amendment.

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AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings of claims in the application. Applicant has submitted a new complete claim set showing marked up claims with insertions indicated by underlining and deletions indicated by strikeouts and/or double bracketing.

Listing of Claims

1-9. (Canceled)

10. (Currently Amended) A method performed by a wireless network access device for retrieving a virtual resource from a remote computer ~~using~~ via a plurality of wireless network interfaces, comprising:

receiving at the wireless network access device, from a computing device, an incoming request for the virtual resource, wherein the virtual resource comprises a plurality of objects;

determining a number of available wireless network interfaces of the wireless network access device, each of the available wireless network interfaces communicatively coupled to a distinct wireless network of a plurality of wireless networks that ~~[[are]]~~ communicatively couple ~~coupled to the~~ wireless network access device to the remote computer;

determining a number of objects in the virtual resource;

assigning by the wireless network access device each object in the virtual resource to at least one of the available wireless network interfaces, at least one object

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in the virtual resource being assigned to a different available wireless network interface than another object in the virtual resource; and

transmitting from the wireless network access device an outgoing request to the remote computer for each object in the virtual resource, wherein each outgoing request specifies the available wireless network interface assigned to the corresponding object in the virtual resource, and wherein the objects in the virtual resource are ~~requested~~ downloaded in a conventional manner, responsive to the outgoing requests, from the remote computer to the wireless network access device via a plurality of the corresponding assigned available wireless network interfaces.

11. (Currently Amended) The method of claim 10, wherein the receiving the incoming request for the virtual resource comprises receiving the incoming request from a computing device over a local communication network.

12. (Original) The method of claim 10, wherein determining a number of available wireless network interfaces comprises monitoring one or more characteristics of a wireless network interface.

13. (Previously Presented) The method of claim 10, wherein determining a number of available wireless network interfaces comprises monitoring one or more characteristics of a wireless network interface, wherein a signal characteristic is selected from the group of signal characteristics comprising: signal-to-noise ratio, available bandwidth, congestion, signal strength, connection cost, and bit error rate.

14. (Original) The method of claim 10, wherein determining a number of available wireless network interfaces comprises monitoring one or more characteristics of a wireless network interface stored in a data table in memory.
15. (Original) The method of claim 10, wherein determining a number of available wireless network interfaces comprises querying the wireless interfaces.
16. (Currently Amended) The method of claim 10, wherein the determining a number of objects in the virtual resource comprises querying the remote computer.
17. (Currently Amended) The method of claim 10, wherein the assigning each object to at least one available wireless network interface comprises assigning an object to two or more of the available wireless network interfaces if the size of the object exceeds a threshold.
18. (Currently Amended) The method of claim 10, wherein the assigning each object to at least one available wireless network interface comprises assigning an object to two or more available wireless network interfaces if the size of the object exceeds a threshold, wherein the threshold is a function of the bandwidth of available wireless network interfaces.

19. (Currently Amended) The method of claim 10, wherein ~~the~~ assigning ~~each object to at least one available wireless network interface~~ comprises assigning an object to two or more available wireless network interfaces if the size of the object exceeds a threshold, wherein the threshold is a function of the size of an object relative to the size of other objects in the virtual resource.

20. (Currently Amended) The method of claim 10, further comprising:
receiving ~~the each object in the virtual resource~~ objects over the ~~plurality of~~
corresponding assigned available wireless network interfaces; and
collating the received objects to construct the virtual resource.

21. (Previously Presented) The method of claim 10, further comprising:
transmitting the virtual resource to the computing device that originated the incoming request.

22. (Original) A computer-readable medium having computer-executable instructions for performing the method recited in claim 10.

23. (Currently Amended) An apparatus, comprising:
at least one local communication network interface for receiving a request for a virtual resource, wherein the virtual resource comprises a plurality of objects;
a plurality of wireless network interfaces;
a memory module; and
a processor executing logic instructions that ~~configure~~ cause the ~~processor~~
apparatus to:

determine a number of available wireless network interfaces of the wireless network interfaces of the apparatus wherein the apparatus is a wireless network access device, each of the available wireless network interfaces communicatively coupled to a distinct wireless network of a plurality of wireless networks that ~~[[are]]~~ communicatively ~~couple~~ coupled to the apparatus to a remote computer including the virtual resource;

determine a number of objects in the virtual resource; ~~[[and]]~~

assign each object in the virtual resource to at least one of the available wireless network interfaces, at least one object in the virtual resource being assigned to a different available wireless network interface than another object in the ~~same~~ virtual resource; and

transmit an outgoing request to the remote computer for each object in the virtual resource, wherein each outgoing request specifies the available wireless network interface assigned to the corresponding object in the virtual resource, and wherein the objects in the virtual resource are ~~requested~~ downloaded in a conventional manner, responsive to the outgoing requests, from the remote computer to the wireless network access device via a plurality of the corresponding assigned available wireless network interfaces.

24. (Original) The apparatus of claim 23, wherein the at least one local communication network interface comprises a wireless network interface.

25. (Canceled)

26. (Original) The apparatus of claim 23, wherein the processor polls the wireless network interfaces to determine characteristics of the communication connections managed by the wireless network interfaces.

27. (Previously Presented) The apparatus of claim 23, wherein the processor polls the plurality of wireless network interfaces on a periodic basis to determine characteristics of communication connections managed by the plurality of wireless network interfaces.

28. (Previously Presented) The apparatus of claim 23, wherein the processor polls the plurality of wireless network interfaces in response to a received request to determine characteristics of communication connections managed by the plurality of wireless network interfaces.

29. (Original) The apparatus of claim 23, wherein the processor assigns objects to wireless network interfaces according to an algorithm that maximizes bandwidth.

30. (Original) The apparatus of claim 23, wherein the processor assigns multiple wireless network interfaces to objects that exceed a size threshold.

31. (Original) The apparatus of claim 23, wherein the processor assigns multiple wireless network interfaces to objects that exceed a size threshold that is a function of the available bandwidth on one or more wireless network interfaces.

32. (Previously Presented) The apparatus of claim 23, wherein the processor assigns multiple wireless network interfaces to objects that exceed a size threshold that is a function of the size of an object relative to other objects in a virtual resource.

33. (Previously Presented) The apparatus of claim 23, wherein the processor is further configured to receive requested objects transmitted across at least some of the plurality of wireless networks.

34. (Canceled)

35. (Previously Presented) The apparatus of claim 23, wherein the processor is further configured to receive requested objects transmitted across at least some of the plurality of wireless networks, and to transmit received objects over the local communication network interface.

REMARKS

The Examiner has rejected claims 10–35. Claims 1–9 were previously withdrawn as the result of an earlier restriction requirement. Claims 1–9, 25, and 34 were previously canceled. Claims 10, 11, 16–20, and 23 are being amended to further recite features of the invention. As a result, claims 10–24, 26–33, and 35 are pending for examination with claims 10 and 23 being independent claims.

Rejections under 35 U.S.C. §103

The Examiner has rejected **claims 10, 12–14, 16–23, and 26–33** under 35 U.S.C. §103(a) as being unpatentable over Viswanath (US 2007/0118670) in view of “Communicating Using Multiple Wireless Interfaces” by Kameswari Chebrolu et al. (“Chebrolu”) and in further view of “Dynamic Parallel Access to Replicated Content in the Internet” by Pablo Rodriguez et al. (“Rodriguez”) and in further view of Greer (US 5,978,828). Further, the Examiner has rejected **claims 11 and 24** under 35 U.S.C. §103(a) as being unpatentable over Viswanath in view of Chebrolu and in further view of Rodriguez and in further view of Greer and in further view of Boehm (US 2004/0085944). Further, the Examiner has rejected **claim 15** under 35 U.S.C. §103(a) as being unpatentable over Viswanath in view of Chebrolu and in further view of Rodriguez and in further view of Greer and in further view of Nelson (US 2003/0055975). Further, the Examiner has rejected **claim 35** under 35 U.S.C. §103(a) as being unpatentable over Viswanath in view of Chebrolu and in further view of Rodriguez and in further view of Greer and in further view of Holder (US 2003/0208554). Applicants respectfully traverse.

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Claim 10 has been amended to call for:

*“A method **performed by a wireless network access device** for retrieving a virtual resource from a remote computer using a plurality of wireless network interfaces, comprising: ...wherein *the virtual resource comprises a plurality of objects*;... *determining a number of **available wireless network interfaces of the wireless network access device***, each of the available wireless network interfaces communicatively coupled to a distinct wireless network of *a plurality of wireless networks that communicatively **couple the wireless network access device to the remote computer***,... *assigning by the wireless network access device each object in the virtual resource to at least one of the available wireless network interfaces*,... wherein the **objects in the virtual resource are downloaded in a conventional manner**, responsive to the outgoing requests, **from the remote computer to the wireless network access device via the corresponding assigned available wireless network interfaces.**”*

Support for the amendments can be found in the original specification at least in paragraphs 6, 17, 25, 32, 33, 49, 50, and 52. Claim 23 has been similarly amended.

As such, Applicants' claimed invention is at least drawn to methods and apparatus for a “wireless network access device” receiving a request from a “computing device” for a “virtual resource that comprises a plurality of objects” from a “remote computer”. The claimed invention is further drawn to “assigning each object” of the virtual resource to an “available wireless network interface” of the “wireless network access device” wherein the objects of the requested virtual resource are “downloaded in a conventional manner... from the remote computer to the wireless network access device via the corresponding assigned available wireless network interfaces.” Thus, a fundamental structure provided by the present invention includes (see FIG. 1):

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$$C \leftrightarrow W \equiv S$$

where C represents the “computing device” such as a laptop or PDA or the like of a user riding on a bus (see paras 14, 18); and where C is coupled to W by a local wired or wireless connection (see para 14, 21) as represented by ‘ \leftrightarrow ’; and where W represents the “wireless network access device” (see FIG. 2 and the associated written description); and where S represents the “remote computer” such as a server (see para 33); and where ‘ \equiv ’ represents a number of “available wireless network interfaces” each of which are “communicatively coupled to a distinct wireless network of a plurality of wireless networks that communicatively couple the wireless network access device [W] to the remote computer [S]”.

Further, the claimed invention provides for “retrieving a virtual resource from a remote computer [S]” (preamble, claim 10) where the virtual resource “comprises a plurality of objects” (see para 17); and where each object is assigned to “at least one of the available wireless network interfaces [\equiv]” over which the corresponding object is “downloaded in a conventional manner... from the remote computer [S] to the wireless network access device [W] via the corresponding assigned available wireless network interfaces [\equiv]” (see paras 17, 32, 33, 49, and 52).

The Examiner relies on the combination of Vishwanath, Chebrolu, Rodriguez, and Greer in the rejection of **claim 10**. In particular, the Examiner states that “transmitting an outgoing request for each block of data [packet in Chebrolu], wherein each outgoing request specifies the available wireless network interface assigned to the corresponding block of data [packet in Chebrolu]” (FOA, pg. 5, lines 8–10). The

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Examiner's replacement of the claim words "each object in the virtual resource" with the words "block of data (packet in Chebrolu)" seems to indicate that the Examiner considers Chebrolu's "packet" to be equivalent to Applicants' "object". Applicants respectfully traverse. But the Examiner goes on to state "Chebrolu does not expressly recite the claimed limitation of 'a virtual resource comprising a plurality of objects'". In the series of Office actions including this one, *Chebrolu's packets are not equated with claimed 'objects'*. Rodriguez's 'block of document' is interpreted as claimed 'object'" (FOA, pg. 5, lines 16–19). Therefore, Applicants agree that the claimed "objects" are patentably different than Chebrolu's "packets". As such, Applicants submit that the meaning and purpose of the Examiner's replacement of the words as described herein above is unclear and has not been properly explained by the Examiner. Further, the Examiner has not explained what he means by the term "block of data" which is not defined and is different than the term "block of document" of Rodriguez. **Applicants respectfully request that the Examiner explain both the replacement of the words as described herein above and the term "block of data".**

Further, the Examiner states that "transmitting an outgoing request for each block of data [packet in Chebrolu], wherein each outgoing request specifies the available wireless network interface assigned to the corresponding block of data [packet in Chebrolu]" and, for support, cites Chebrolu, page 328, section IV. Scheduling Algorithm (FOA, pg. 5, lines 8–11). Since the Examiner has stated that Applicants' "object" is not the same as Chebrolu's "packet", then the Examiner must be alleging that Chebrolu is teaching Applicants' claimed "transmitting an outgoing request for each object in the virtual resource" or at least "transmitting an outgoing request" for something. But

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Chebrolu instead teaches and “interface selector algorithm” and a “scheduling algorithm”. In particular, Chebrolu teaches scheduling packets (which the Examiner admits are patentably distinct from Applicants’ “objects”) over multiple links (see Chebrolu, para 1 under section IV). Further, the term “request” does not occur anywhere in Chebrolu, and therefore Chebrolu makes no suggestion of a “request for each object in the virtual resource”. **Accordingly, Chebrolu cannot be considered to teach “transmitting an outgoing request for each object in the virtual resource” or even “transmitting an outgoing request” of any kind.** As such, Applicants respectfully request that the Examiner withdraw the rejection.

Further, with respect to **Vishwanath** teaching such as described herein above, the Examiner explicitly states that Vishwanath does not (see FOA, pg. 4, lines 9–15).

Further, with respect to **Rodriguez**, Rodriguez is drawn to content replicated on multiple servers and retrieving portions of the content from multiple server (see Rodriguez, Abstract). This is patentably different than Applicants’ invention which is drawn to a computing device [C] requesting objects of a virtual resource from a remote computer [S] via a wireless network access device [W] with multiple wireless network interfaces [≡] that communicatively couple the wireless network access device [W] to the remote computer [S]. Further, Rodriguez teaches away from Applicant’s claimed invention:

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"In contrast to retrieving a file from a single server, we propose a parallel-access scheme where end users access multiple servers at the same time,..." (Rodriguez, Abstract, lines 5–7; emphasis added)

Similar teachings away can be found in the second paragraph of Rodriguez's Summary. As such, Applicants submit that Rodriguez is not properly combinable with any prior art reference (including Vishwanath, Chebrolu, or Greer) that may teach the claimed invention. Applicants point out that, "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Icon Health & Fitness, Inc.*, 496 F.3d. 1374, 1381 (Fed. Cir. 2007) (quoting from *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994), and *KSR Int'l. Inc. v. Teleflex, Inc.* 127 S. Ct. 1727, 1739–40 (2007)). Applied to the claimed invention, a person dealing with the limitations of retrieving portions of content from multiple servers as in Rodriguez would not overcome those limitations by "transmitting from the wireless network access device an outgoing request to the remote computer for each object in the virtual resource", particularly since a key point of Rodriguez is to retrieve from multiple servers. Further, as the MPEP clearly states, "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." (MPEP, § 2141.02) From the foregoing, it is evident that the current FOA reflects an impermissible picking and choosing from Rodriguez only parts as will support a given position while excluding the other parts of Rodriguez necessary to the full appreciation of what Rodriguez fairly suggests to one of skill in the art. **As such, Rodriguez teaches away from the claimed invention and is not properly combinable with any prior art reference in a rejection of**

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the claimed invention. As such, Applicants respectfully request that the Examiner withdraw the rejection.

Further, with respect to Greer teaching such as described herein above, Greer is drawn to:

“...an apparatus and method of *providing notification of a **content change of a web page***. The method includes the steps of *transmitting a request from a first electronic system to a second electronic system **for a quotient value indicative of the content change***,...” (Greer, Abstract, lines 1–5; emphasis added)

As such, Greer teaches “transmitting a request... for a quotient value indicative of the content change” which is patentably different than Applicants’ claimed “transmitting an outgoing request for each object in the virtual resource”. In particular, Greer’s “quotient value indicative of the content change” is patentably different than Applicants’ claimed “object in the virtual resource” wherein “the virtual resource comprises a plurality of objects” (claim 10).

Even if, *arguendo*, Greer’s “quotient value” may be considered an “object” of a “quotient page”, which may, *arguendo*, be considered a “virtual resource”, Greer still does not teach the claimed “transmitting an outgoing *request for each object in the* virtual resource, wherein each outgoing request...”. In particular, Greer teaches:

“FIG. 8 illustrates *a request by a client to retrieve the quotient page 500 of FIG. 7. ... When the server receives the request ..., the server... transmits the **quotient page 500 of FIG. 7** rather than the Web page 200.*” (Greer, col. 6, lines 61–65; emphasis added)

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As such, Greer seems to teach a request for a “page” as opposed to requests for “each object” of the page. This is patentably different than Applicants’ claimed “transmitting an outgoing request for each object in the virtual resource, wherein each outgoing request...” (claim 10). **Accordingly, Greer cannot be considered to teach “transmitting an outgoing request for each object in the virtual resource”.** As such, Applicants respectfully request that the Examiner withdraw the rejection.

Further, claim 10 has been amended to call for:

“...receiving **at the wireless network access device**, from a computing device, an incoming **request for the virtual resource**, wherein the virtual resource comprises a plurality of objects;...”

Support for the amendment can be found in the original specification at least in paragraph 17. Prior to the amendment, the Examiner suggested that Vishwanath teaches this feature and, for support, cited Vishwanath, paragraph 11. Applicants submit that Vishwanath does not teach the claimed features as amended. Vishwanath teaches:

“...mobile node 12 generates a *request that identifies the particular data network 16 with which mobile node 12 desires service.*”
(Vishwanath, portion para 11; emphasis added)

As such, Vishwanath may teach a request from a mobile node. But Vishwanath does not seem to teach Applicants claimed “receiving at the wireless network access device, from a computing device, an incoming request...”. In particular, Vishwanath makes no mention of receiving the request “at the wireless network access device”. **Accordingly, Vishwanath cannot be considered to teach “receiving at the wireless**

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network access device, from a computing device, an incoming request...”. Nor does Chebrulo, Rodriguez, or Greer seem to teach these claimed features. As such, Applicants respectfully request that the Examiner withdraw the rejection.

Further, claim 10 has been amended to call for:

“determining a number of available *wireless network interfaces of the wireless network access device*, each of the available wireless network interfaces communicatively coupled to a distinct wireless network of a plurality of wireless networks that communicatively couple the wireless network access device to the remote computer;”

Support for the amendment can be found in the original specification at least in paragraph 25. Prior to the amendment, the Examiner suggested that Vishwanath teaches this feature and, for support, cited Vishwanath, paragraph 21 and FIG. 1. Applicants submit that Vishwanath does not teach the claimed features as amended. Considering FIG. 1 and the supporting written description, Vishwanath teaches a gateway GPRS support node (20) that is distinct from any device that may be considered the same as Applicants’ claimed “wireless network access device”. **Accordingly, Vishwanath cannot be considered to teach “determining a number of available wireless network interfaces of the wireless network access device,...”.** Nor does Chebrulo, Rodriguez, or Greer seem to teach these claimed features. As such, Applicants respectfully request that the Examiner withdraw the rejection.

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Further, claim 10 has been amended to call for:

*“...transmitting from the wireless network access device an outgoing request..., wherein **each outgoing request specifies the available wireless network interface ...**”*

Support for the amendment can be found in the original specification at least in paragraphs 17, 32, 33, 49, and 52. Prior to the amendment, the Examiner suggested that Vishwanath teaches this feature and, for support, cited Vishwanath, paragraphs 16 and 41. Further, the Examiner states:

“transmitting an outgoing request, wherein each outgoing request specifies the available wireless network interface [*load balancing requests among gateways (20), wherein each outgoing request includes the IP address of selected gateway*] (par. [0016] and [0041]).” (FOA, pg. 4, lines 4–7; emphasis added)

As such, the Examiner states that Vishwanath teaches load balancing requests between gateways, the requests including IP addresses of selected gateways. But, unlike Vishwanath’s “radio access network (RAN) 24” that “provides wireless services” (para 12, line 1), Vishwanath’s “gateways 20” provide RAN 24 with access to data networks 16 (para 10, lines 7–8; FIG. 1), and Vishwanath’s “load balance unit 22” distributes requests to balance loads of gateways 20 (para 10, lines 10–12; FIG. 1). In particular, Vishwanath does not in any way teach the “gateways” or the “load balancing units” to be “wireless devices”, even in the face of specifically so teaching about RAN 24. As such, Vishwanath’s “gateway” or “load balancing unit” is patentably different than Applicants’ claimed “wireless network access device” from which the claimed requests are transmitted. **Accordingly, Vishwanath cannot be considered to teach “transmitting from**

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the wireless network access device an outgoing request...". As such, Applicants respectfully request that the Examiner withdraw the rejection.

Further, the Examiner states that Vishwanath teaches that each outgoing request includes the IP address of the selected gateway (see para 41). But this is patentably different than Applicants' claimed "wherein each outgoing request specifies the available wireless network interface" that is "of the wireless network access device" (claim 10). In particular, Vishwanath's "IP address" included in the request is patentably different than Applicants' claimed "wireless network interface" that is "of the wireless network access device" specified in Applicants' outgoing request. **Accordingly, Vishwanath cannot be considered to teach "wherein each outgoing request specifies the available wireless network interface" that is "of the wireless network access device".** As such, Applicants respectfully request that the Examiner withdraw the rejection.

Accordingly, Applicants submit that **claim 10** is not unpatentable over Viswanath, even in view of Chebrolu, Rodrigues, Greer, Boehm, Nelson, Rodriguez, and/or Holder. Applicants further submit that **claim 23** is not unpatentable over the cited art for at least the same reasons as those detailed for claim 10. As such, the Applicant respectfully request that the Examiner withdraw the rejection and allow the claims.

Claims 11–22, 24, 26–33, and 35 are each dependent on either claim 10 or 23. As such, claims 11–22, 24, 26–33, and 35 are believed allowable based at least in part upon claim 10 or 35.

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Request for Allowance

Accordingly, allowance of the above-referenced application is requested.

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CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above application is requested. Based on the foregoing, Applicant respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's representative at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
Microsoft Corporation

Date: March 18, 2009

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March 18, 2009
Date

/Noemi Tovar/
Noemi Tovar

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